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REMARKS

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The present application includes claims 37-54 and 57. Claims 37-54 and 57 have been rejected by the Examiner. By this response, claims 37, 43, 45, and 53 have been amended.

Claims 37, 43, and 53 have been amended to include the arbitration of access to medical data among multiple data requests. Claim 45 has been amended to correct a typographical error, replacing "said second data store" with "said second data source."

Claims 43-52 were rejected under 35 U.S.C. 102(e) as being anticipated by Rothschild et al., U.S. Pat. Pub. No. 2002/0019751 (Rothschild).

Claims 37-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levi et al., U.S. Pat. No. 6,804,778 (Levi).

Claims 53, 54 and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild and further in view of Levi.

The Applicant next turns to the rejection of claims 43-52 under 35 U.S.C. 102(e) as being anticipated by Rothschild. Rothschild discusses a system and method for managing medical images. ([0001]). Rothschild provides a medical image management system that includes a medical imaging system, a local image workstation, and a central data management system. ([0038]). The medical imaging system produces an electronic record in a computer-readable format. ([0038]). The local image workstation communicates with the medical imaging system along a local interface to transfer the electronic record from the medical imaging system. ([0038]). The central data management system communicates with the local image workstation

along a remote interface to transfer the electronic record to the central data management system. ([0038]). The central data management system is configured to push the electronic record to a pre-determined remote viewing system. ([0038]).

Rothschild also discusses a polling system located in each local image workstation. ([0184]). The polling system communicates with the central data management system. ([0184]). The central data management system holds data for which attempted delivery has failed in a delivery queue. ([0184]). The polling system includes a connection status monitor that tracks the Internet connection status of the module and identifies and stores the most recent IP address in an associated file. ([0185]). The connection status monitor provides the updated IP address to an IP notifier/data requester either directly or by way of an internal poller. ([0189]). When an event such as booting the computer, establishing an Internet connection, a change in the IP address, or the passing of a predetermined time interval occurs, the polling system requests queued data located in the central management system. ([0185]).

However, Rothschild does not teach or suggest "detecting installation of said second data source with a status monitor, wherein said installation includes at least one of addition, upgrade and replacement of said second data source" as recited in independent claim 43, as amended. Rothschild discusses a polling system providing "image delivery to locations or modules that do not have static IP addresses." ([0091]). Rothschild discusses a remote module at the local workstation that "checks its IP address by way of software within the connection status monitor" of a polling system at the local workstation. ([0194]). The local workstation polling system notifies the central data management system of changes in the module's IP address to ensure that data is routed correctly. ([0185]-[0188]). Whereas Rothschild describes a local workstation-based polling system detecting changes in the dynamic IP address of the remote module to which

it is linked, the Applicant discloses a centralized status monitor that detects the installation of a new data source, such as an upgraded data source or a replacement data source, for example.

Rothschild also does not teach or suggest "arbitrating access to said medical data among multiple data requests" as recited in independent claim 43, as amended. Rather, Rothschild, as discussed above, merely describes a polling system located in each local image workstation that polls the central data management system for queued data. The polling system does not arbitrate access to a remote data store in cases where multiple sources attempt to access the remote data store or a single data source transmits multiple requests to the remote data store. The polling system does not provide access to a remote data store based on priority that may include system priority, timing priority, or request priority, for example.

Moreover, embodiments of the Applicant's status monitor perform other functions not performed by Rothschild's polling system. The Applicant's status monitor may control and/or monitor the transmission of data between the data source and the remote store, receive and/or transmit data requests and instructions, verify such transmissions/receipts, detect data and/or transmission errors, interact with an access authenticator, and/or detect new data source installations, for example.

In addition to lacking these functions, the polling system of Rothschild does not "arbitrate[e] access to said medical data among multiple data requests" as recited in independent claim 43, as amended. Rather, the polling system of Rothschild merely monitors the network connection state of an existing workstation and polls a central data management system for data that was unable to be delivered. ([0085]). Thus, Rothschild does not teach or suggest elements of at least claim 43.

Further, Rothschild does not teach the limitations of dependent claims 44-52. For example, Rothschild does not teach a "transferring step [that] further comprises transferring said medical data from a directory representative of said first data source at said remote data store to said second data source" as recited in dependent claim 44. Rothschild describes a copy of an original electronic record that is stored at a central data management system. ([110]). Although Rothschild discusses a copy of the original data, Rothschild does not teach a remote data store that is organized with a directory representing the original data source, as recited in claim 44 of the present application.

Thus, the Applicant respectfully submits that independent claim 43 and corresponding dependent claims 44-52 are not taught or suggested by Rothschild. Therefore, the Applicant respectfully submits that claims 43-52 are in condition for allowance.

The Applicant next turns to the rejection of claims 37-42 under 35 U.S.C. 103(a) as being unpatentable over Levi. Levi relates to data communications and verification of outgoing data. (col. 1, lines 13-14). More specifically, it relates to methods of verifying the data transmitted by WWW servers to WWW users. (col. 1, lines 17-30). Levi describes an invention for preventing the display of hacked content on web pages (col. 2, lines 11-17), whereas the present application describes an invention for restoring medical data to a data source from a remote data store in order to ensure the medical data's quality. The invention discussed in Levi addresses problems encountered by server users that are caused by inadvertent or intentional data corruption at the server. (col. 2, lines 11-23). Levi describes a method for verifying the quality of data before it is transmitted to the user requesting the data. (col. 3, lines 29-42). If the requested data has been

corrupted, the system instead transmits some form of uncorrupted data to the user. (col. 4, lines 53-61).

However, Levi does not teach or suggest “arbitrating access to said medical data among multiple data requests” as recited in independent claim 37, as amended. Rather, Levi, as discussed above, merely describes a verification system for checking the quality of data prior to transmission. The verification process does not arbitrate access to a remote data store in cases where multiple sources attempt to access the remote data store or a single data source transmits multiple requests to the remote data store. The verification process does not provide access to a remote data store based on priority that may include system priority, timing priority, or request priority, for example. The invention described in Levi merely monitors the quality of requested data and, if the requested data has been corrupted, provides some form of uncorrupted data to the user. Thus, Levi does not teach or suggest elements of at least claim 37.

In addition, Levi does not teach the limitations of dependent claims 38-42. For example, Levi does not teach a “transferring step [that] further comprises verifying said transferring of medical data from said remote data store to said data source” as recited in dependent claim 40. Levi discusses the verification of a code intended to signify that data “was generated in an approved manner.” (col. 7, lines 55-56). This verification merely confirms “that a certain communication was authorized.” (col. 7, line 65). Levi also mentions the forwarding of a user’s data request to a “remote site, where [the request] is answered, verified, signed and transmitted.” (col. 13, lines 25-27). Although Levi discusses verification of authorization and of a user’s data requests, Levi does not teach verification of the transferring of data, as recited in claim 40 of the present application.

Similarly, Levi does not teach a “transferring step [that] further comprises transferring said medical data from a directory representative of said data source at said remote data store to said data source” as recited in dependent claim 42. Levi describes a partial or full “copy of the original data, [which is] maintained at a secure location.” (col. 12, lines 52-54). Although Levi discusses a copy of the original data, Levi does not teach a directory representing the original data, as recited in claim 42 of the present application.

Thus, the Applicant respectfully submits that independent claim 37 and corresponding dependent claims 38-42 are not taught or suggested by Levi. Therefore, the Applicant respectfully submits that claims 37-42 are in condition for allowance.

The Applicant next turns to the rejection of claims 53, 54 and 57 under 35 U.S.C. 103(a) as being unpatentable over Rothschild and further in view of Levi. Rothschild relates to management of medical images, and Levi relates to data verification to ensure the quality of data transmitted.

As discussed above, neither Rothschild nor Levi teaches or suggests a “status monitor [that] is adapted to arbitrate access to the medical data among multiple data requests” as recited in independent claim 53, as amended. Rothschild merely describes a polling system that polls the central data management system for queued data. The Rothschild polling system does not arbitrate access to a remote data store in cases where multiple sources attempt to access the remote data store or a single data source transmits multiple requests to the remote data store. Rather, the polling system of Rothschild merely monitors the network connection state of an existing workstation and polls a central data management system for data that was unable to be delivered. ([0085]). Similarly, Levi merely describes a verification system for checking the

quality of data prior to transmission. The Levi verification process does not arbitrate access to a remote data store in cases where multiple sources attempt to access the remote data store or a single data source transmits multiple requests to the remote data store. The invention described in Levi merely monitors the quality of requested data and, if the requested data has been corrupted, provides some form of uncorrupted data to the user. Accordingly, neither Rothschild nor Levi, alone or in combination, teaches or suggests the limitations of independent claim 53 of the present application.

In addition, neither Rothschild nor Levi teaches the limitations of dependent claims 54 and 57. For example, Rothschild and Levi do not teach a "centralized remote data store [that] stores the medical data in a directory representative of said first data source" as recited in dependent claim 57. Rothschild discusses a copy of an original electronic record that is stored at a central data management system. ([110]). Although Rothschild describes a copy of the original data, Rothschild and Levi do not teach a remote data store that is organized with a directory representing the original data source, as recited in claim 57 of the present application.

Thus, the Applicant respectfully submits that independent claim 53 and corresponding dependent claims 54 and 57 are not taught or suggested by Rothschild or Levi, alone or in combination. Therefore, the Applicant respectfully submits that claims 53, 54 and 57 are in condition for allowance.

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CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of GEMS-IT, Account No. 50-2401.

Dated: July 14, 2006

Respectfully submitted,


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